

**Notice of Allowability**

Application No.

09/521,709

Examiner

Benjamin E. Lanier

Applicant(s)

TORRUBIA-SAEZ, ANDRES

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2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 13 September 2006.
2. ☒ The allowed claim(s) is/are 1, 3-6 and 8-49.
3. ☒ The drawings filed on 09 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed 13 September 2006 amends claims 3, 6, 28, 44, and 45. Claims 1, 7, 50, and 51 have been cancelled. Claim 52 has been added. Applicant's amendment has been fully considered and entered.

### ***Response to Arguments***

2. Applicant's arguments, with respect to the §112, second paragraph rejections of claims 6, 28, and 44 have been fully considered and are persuasive in light of the current amendments. The §112, second paragraph rejections of claims 6, 28, and 44 are withdrawn.

### ***Examiner's Amendment***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1[52]. (Currently amended) A method of evaluating software by a user for subsequent purchase comprising the steps of:

acquiring a software package, said software package comprising:

a first object, said first object a full-featured version of at least one software product, wherein said user is denied access to said first object;

a second object, said second object a further version of said software product having some, but less than all, of the features of said first object;

an access and control portion, said access and control portion affording selective access to any of said first and second objects, wherein said access and control portion includes usage authorization information, wherein at least said first object, said second object and said usage authorization information are macro-compressed and micro-compressed; and

a notifier providing information required by said user for purchasing rights to said software product and enabling entry of transaction information required for purchase of said rights;

installing said software package on said buyer's computer system;

accessing said second object, access to said second object being unrestricted; and

evaluating said second object whereby said user assesses whether said software product meets said user's requirements.

Claim 3. (Currently amended) The method of Claim 1[52], wherein said acquiring step comprises any of the steps of:

acquiring said software package as a software copy on a recordable medium;

acquiring said software package via data communication from any of an Internet site and a dial-up online service.

Claim 6. (Currently amended) The method of Claim 1[52], wherein said first object and said usage authorization information are encrypted, whereby said user is prevented from accessing and using said first object and said usage authorization information until said

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prospective user executes a purchase request, thereby acquiring a license to at least some of the rights to said software product.

Claim 45. (Currently amended) The method of Claim 1[52], wherein said software package includes means for protecting said software package against class attacks and dump attacks.

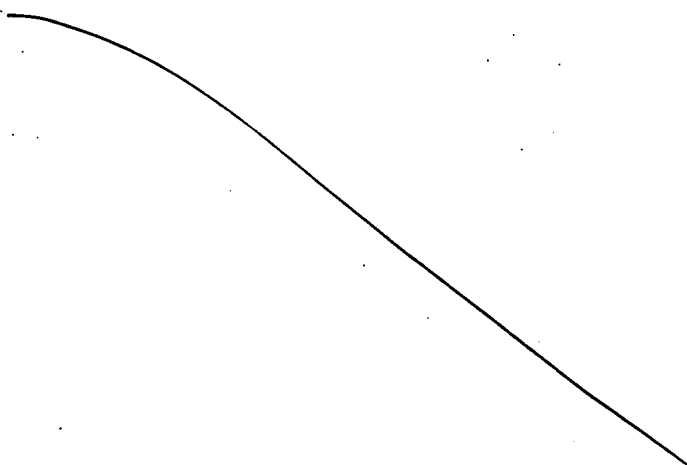
*Allowable Subject Matter*

4. Claims 1, 3-6, 8-49 are allowed.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

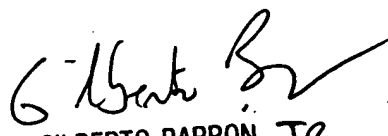


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin E. Lanier



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